

Remarks

The Office action mailed December 16, 2003, has been reviewed and the comments of the examiner carefully considered. The allowance of claims 13-18 and the allowability of claims 30 and 38-40 is noted. Claims 24-31 and claim 42 have been canceled in this reply. New claims 55-65 have been added. New claim 55 is a combination of the majority of features recited in claim 24 (now canceled) and allowable dependent claim 30 (now canceled). New claims 56-61 track previously pending claims 25-29 and 31, respectively. Support for new claim 62 is found in the specification, for example, at page 8, lines 20-25. New claim 63 is a combination of the majority of features recited in claim 32 and allowable dependent claim 39. Claim 64 tracks allowable claim 40. Support for new claim 65 is found in the specification at page 7, lines 27-30. Entry of these amendments is respectfully requested. Upon entry, claims 13-18, 32-41, and 55-65 will be pending.

Rejection Under 35 U.S.C. §103

Claims 24-29, 31-37 and 41 were rejected under 35 U.S.C. §103 over Helm '570 combined with Doderer-Winkler. Claims 24-29 and 31 have been canceled. Independent claim 32 (and claims 33-37 and 41 that depend therefrom) are patentable for the reason explained below.

In the apparatus of FIG. 14 of Helm '570 a web of patch material 16 is introduced initially onto a rotating cutter roll 24' for cutting into a length of material, and then the resulting length of material is introduced onto a vacuum transfer roll 28'. It is apparent from the location of the nip between a stationary cutter knife plate 27' and the rotating cutter roll 24' relative to the location of the vacuum transfer roll 28' that the web material 16 cannot be cut at a location on the vacuum transfer roll 28'. In sharp contrast, the assembly presently recited in claim 32 includes a rotary knife positioned near a vacuum roll so that the rotary knife can engage and cut the web material "at a location **on the vacuum roll**" (emphasis added). Helm '570 would not have suggested any reason for re-positioning the rotating cutter roll 24' and vacuum transfer roll 28' so that the patch material 16 could be cut at a location on the vacuum transfer roll 28'. Doderer-Winkler is relied upon by the examiner for disclosing a rotary knife. However, there is

nothing in Doderer-Winkler that would have motivated a person of ordinary skill in the art to modify Helm '570. Accordingly, the § 103 rejection over Helm '570 combined with Doderer-Winkler must be reconsidered and withdrawn.

Rejection Under 35 U.S.C. §102

Claim 42 was rejected under 35 U.S.C. §102 over Helm '570. Claim 42 has been canceled, and thus this rejection is moot.

It is respectfully submitted that this application is now in condition for allowance. Should there be any questions regarding this application, Examiner Gray is invited to contact the undersigned at the telephone number shown below.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By   
Wayne W. Rupert  
Wayne W. Rupert  
Registration No. 34,420

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 226-7391  
Facsimile: (503) 228-9446